

WASHINGTON

DISTRICT OF COLUMBIA

AFFIDAVIT OF PAUL C. BARNABA

Before me, the undersigned authority, on this day personally appeared Paul C. Barnaba who, after being duly sworn, deposed on this oath and said:

My name is Paul C. Barnaba and I am 38 years old and am fully competent to make this affidavit. I read, write, and understand the English language, and I am capable of making this affidavit in every respect. The information in this affidavit is from my own personal knowledge.

At the time the Indictment was unsealed on March 26, 2007, I worked for EDS as Director of Category Management. My salary was \$135,000.00. I was scheduled to leave EDS on March 31, 2007, in order to go to work, on April 1, 2007, for SDE Business Partners, an EDS spin-off. At SDE Business Partners my title was to be Director of Category Management at a salary of \$150,000.00.

Within hours of the Indictment's unsealing, I was told by EDS not to report to work. Within 72 hours of the Indictment's unsealing I was handed a proposed severance package by EDS and told by SDE Business Partners that I would not be transitioned to SDE. EDS declined to employ me beyond March 31, 2007.

Although EDS offered me a \$12,000.00 severance package, I declined to sign EDS's proposed severance agreement and did not receive any severance. The EDS severance agreement required me never to disparage EDS and never to discuss the circumstances surrounding my departure. The proposed severance agreement also potentially required me to waive important constitutional rights, because it required me to fully cooperate, upon request, in any of EDS's litigation. My understanding was that this cooperation would include giving depositions and meeting with EDS attorneys, irrespective of whether my attorneys in *United States v. Barnaba* thought it advisable to do so.

I was out of work from April 1, 2007, until September 4, 2007. I cannot find work as an employee, because I cannot pass a background check. In light of this reality, at some point during this time period, I formed my own consulting company in order to feed my family. On September 4, 2007, my consulting firm went to work as a subcontractor for Blue Cross Blue Shield of Michigan for a period of seven months on a project basis. My company was paid \$11,000.00 per month gross revenue. My consulting firm successfully completed its first project with Blue Cross Blue Shield and had been retained to perform work on a second project.

On April 23, 2008, I was informed by my contractor that Blue Cross Blue Shield was aware of the Indictment against me in the pending case. My contractor asked me when my current legal problems would be resolved and I told him that I had no idea. Within hours, I was informed that our business relationship was severed and that I would not be working for Blue Cross Blue Shield. Therefore, I am again out of work.

I currently have approximately \$16,000.00 in savings. I have no other liquid assets. If I cannot find gainful employment, I will soon be forced to dip into my 401(k) pension funds, two decades earlier than I anticipated. My wife has filed for divorce against me, and I have been informed that she is entitled to half of my pension. I am currently maintaining a separate residence and have two small children to support.

I am not able to afford representation in this case, absent the proceeds from the D&O Insurance Policy. I have paid approximately \$25,000.00 in legal fees to date in connection with this matter, and will be obligated to pay hundreds of thousands more when the insurance proceeds run out. I simply will not have the money to do this. It has been very hard for me to find employment since the Indictment was returned and will continue to be hard until the criminal matter is resolved.

The delay in getting to trial in this case has caused, and continues to cause, excruciating stress in every aspect of my life. It is

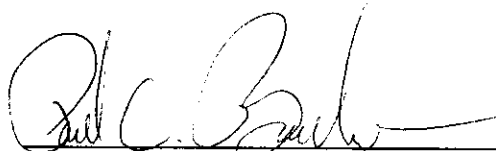
extremely difficult to exist in a state of uncertainty and limbo. The presumption of innocence may apply in the courtroom, but not in many other areas of life. I appear to be presumed guilty in the eyes of the business community, until proven innocent. The number of my social, business, and professional contacts has been reduced significantly. Many of my friends and colleagues are former Collins & Aikman employees, and my contact with them has been severely curtailed. I refuse to lie about the Indictment in order to gain employment, and the most routine background check, or simple Google search, reveals the reality of the Indictment to all prospective employers.


I made clear to my attorneys several months ago that I am desperate to go to trial as soon as possible, and instructed them to do everything in their power to make that happen. I have been told that we have announced ready for trial and that the Government has announced ready as well. I have also been told that the attorneys for my co-defendants are so far from being ready to proceed to trial that they could not even suggest a trial date for the Court at the last status conference.

The thought of having to wait another year, or even several months, to go to trial is unbearable to me. I will be utterly destitute by then. From my perspective, this criminal matter has been going on since October 2005 when I was first questioned by the United States Attorney's Office. I was questioned twice in 2006, and indicted over 13 months ago, and still do not have a trial date. Several of the events covered in the Indictment took place five or six years ago, and my memory is beginning to fade. I have to believe this is also true for many of the potential witnesses.

I understand that the decision to grant a severance is entirely within the discretion of the Court, and that severances are not frequently favored. However, as you can see, my circumstances are unique compared to my co-defendants, because, unlike them, I am ready to go to trial, and will suffer great harm if I cannot go to trial as soon as possible. I implore Your Honor to sever me from my co-defendants, so that I can have my day in Court as soon as possible.

Further the Affiant Sayeth Not.


Paul C. Barnaba


Notary Public

Gladys Colón
Notary Public, District of Columbia
My Commission Expires 4/14/2012

5-2-08
Date